

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R7-2006-0075  
MANDATORY MINIMUM PENALTY  
IN THE MATTER OF  
CITY OF EL CENTRO, OWNER/OPERATOR  
MUNICIPAL WASTEWATER TREATMENT PLANT  
IMPERIAL COUNTY**

This order to assess Administrative Civil Liability pursuant to California Water Code (CWC) Sections 13385(h)(1) and 13385(i) is issued to City of El Centro, (hereinafter, Discharger) based on findings of violations of Waste Discharge Requirements Order No. R7-2004-0004 (NPDES Permit No. CA0104426).

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Board) finds the following:

1. On March 30, 2004, the Regional Board adopted Waste Discharge Requirements Order No. R7-2004-0004 (NPDES Permit No. CA0104426) for the Discharger to regulate discharges of waste from the Discharger's municipal wastewater treatment plant, a publicly owned treatment works (POTW).
2. CWC Section 13385(i) requires the Regional Board to assess a mandatory minimum penalty (MMP) of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any period of six consecutive months:
  - a. Violates a waste discharge requirement effluent limitation.
  - b. Fails to file a report pursuant to CWC Section 13260.
  - c. Files an incomplete report pursuant to CWC Section 13260.
  - d. Violates a toxicity effluent limitation where the discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

3. CWC Section 13385(i)(2) states:

For the purposes of this section a 'period of six consecutive months' means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.

4. CWC Section 13385(k) states:

In lieu of assessing all or a portion of the MMP pursuant to subdivisions (h) and (i) against a POTW serving a small community, as defined by subdivision (b) of [CWC] Section 79084, the state board or the regional board may elect to require the POTW to spend an equivalent amount towards the completion of a compliance project (CP) proposed by the POTW, if the state or regional board finds all of the following:

- a. The CP is designed to correct the violations within five years.
- b. The CP is in accordance with the enforcement policy of the state board.
- c. The POTW has demonstrated that it has sufficient funding to complete the CP.

5. On February 19, 2002, the State Water Resources Control Board adopted Resolution No. R7-2002-0040 amending the Water Quality Enforcement Policy (Policy). The Policy was approved by the Office of Administrative Law and became effective on July 30, 2002. In accordance with Section X of the Policy, among other requirements, Compliance Projects (CPs) proposed by the POTW must be designed to correct the violations in five years and also comply with the general conditions specified for CPs in the Policy.
6. Waste Discharge Requirements Board Order No. R7-2004-0004, contains the following effluent discharge limitations:

Effluent Limitation [A 4]

“Wastewater effluent discharged to the Central Main Drain shall not have an Escherichia Coli (E. coli) concentration in excess of a log mean of Most Probable Number (MPN) of 126 MPN per 100 milliliters (based on a minimum of not less than five samples for any 30-day period) nor shall any sample exceed 400 MPN per 100 milliliters. The compliance point for this effluent limitation shall be at a location acceptable to the Regional Board’s Executive Officer or his designee.”

Effluent Limitation [A7]

“Wastewater discharged to the Central Main Drain shall not exceed these effluent limits. These limits are calculated based on monitoring results and using the California Toxic Rule and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California for water quality based effluent limits:

Constituents	Unit	Date Effluent Limit Becomes Effective	Average Monthly Effluent Limit	Maximum Daily Effluent Limit
Copper (interim)	µg/L	March 10, 2004	8.2	8.2
Copper (final)	µg/L	March 10, 2009	2.39	4.8
Nickel (interim)	µg/L	March 10, 2004	7	13.5
Nickel (final)	µg/L	March 10, 2009	6.71	13.5
Selenium (interim)	µg/L	March 10, 2004	8	8.22
Selenium (final)	µg/L	March 10, 2009	4.09	8.22

...”

7. According to monitoring reports submitted by the Discharger, the wastewater discharged from its Municipal Wastewater Treatment Plant was in violation of its waste discharge requirements effluent limitations. A summary of each violation of Board Order No. R7-2004-0004 is contained in Attachment “A”, which is made a part of this Administrative Civil Liability Order by reference.

8. The total amount of the MMP for the foregoing violations is twelve thousand dollars (\$12,000).
9. On August 03, 2006, the Regional Board Executive Officer issued Administrative Civil Liability Complaint (ACLC) No. R7-2006-0061 proposing that the Discharger pay twelve thousand dollars (\$12,000) in administrative civil liability (MMP) for the violations.
10. On August 31, 2006 the Discharger proposed the implementation of a CP described in Attachment "B", which is made a part of this Board Order by reference. The Regional Board approves this CP as proposed. The ACLC was rescinded on September 7, 2006.
11. The Regional Board has notified the Discharger and the general public of its intent to hold a hearing on this matter within 90 days from the date the Complaint was issued unless the Discharger waives its right to a hearing under CWC Section 13323(b). The Discharger waived its right to a hearing on this matter as set forth in Attachment "B".
12. The Regional Board heard and considered all comments pertaining to this matter in a public meeting.
13. Issuance of this Order is exempt from the provision of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to CWC Section 13385, the Discharger is assessed twelve thousand dollars (\$12,000) in administrative civil liability (MMP) for the violations set forth in Attachment "A". In lieu of paying an administrative civil liability in the amount of twelve thousand dollars (\$12,000), the Discharger shall implement the proposed CP described in Attachment "B" in accordance with the following:

1. The Discharger shall comply with the State Board Enforcement Policy relating to implementation of CPs.
2. The CP shall be implemented in accordance with the time schedule stipulated in Attachment "C", appended to and made a part of this Board Order by reference. The Regional Board Executive Officer may modify the stipulated completion date and approve an alternative completion date for each phase of the CP if he determines that a delay is necessary for a timely return of the Discharger to full and sustained compliance with its waste discharge requirements, and is beyond the reasonable control of the Discharger. Under no circumstances may the completion date extend beyond 5 years from the date of this Order.
3. If the Discharger completes a stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date, the corresponding portion of the ACL indicated in Attachment "C" shall be permanently suspended. If, however, the Discharger fails to complete any stipulated phase of the CP to the satisfaction of the Executive Officer by the approved date and the Executive Officer has not approved an extension in the completion date, the corresponding amount of the ACL suspended shall become due and payable to the State Water Pollution Cleanup and Abatement Account within 30 days of being so informed in writing.

City of El Centro  
Administrative Civil Liability  
Order No. R7-2006-0075

4. Previously suspended amounts do not relieve the Discharger of the independent obligation to take necessary actions to achieve compliance.
5. Completion of each stipulated phase of the CP and the entire CP shall be certified in writing by the Executive Officer. No portion of the ACL shall be suspended without a written certification issued by the Executive Officer.
6. The Discharger shall implement Monitoring and Reporting Program No. R7-2006-0075 and revisions thereto.
7. The Discharger shall submit all unspent ACL amounts to the State Water Pollution Cleanup and Abatement Account.

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 20, 2006.

  
ROBERT PERDUE, Executive Officer

**ATTACHMENT "A"**

Summary of Violations of Board Order R7-2004-004 and Mandatory Minimum Penalties

Assessed Violation <sup>1</sup> No.	Description of Violation	Date Occurred	Amount Assessed Dollars (\$)
298491	Exceeded interim daily maximum Selenium. Limitation is 8.22 µg/L Reported as 9.8 µg/L	07/15/2005	0 <sup>2</sup>
298492	Exceeded 30-Day interim Mean Selenium Limitation is 8.0 µg/L Reported as 9.8 µg/L	07/31/2005	0
304740	Exceeded 30-Day interim Mean Nickel. Limitation is 7.0 µg/L Reported as 7.7 µg/L	09/30/2005	0
365185	Exceeded interim daily maximum Copper. Limitation is 8.2 µg/L Reported as 8.7 µg/L	11/07/2005	\$3,000
365188	Exceeded 30-Day Interim Mean Copper. Limitation is 8.2 µg/L Reported as 8.7 µg/L	11/30/2005	\$3,000
369011	Exceeded daily maximum limit of 400 MPN/100 mL for E. coli Reported = 800 MPN/100 mL	02/03/2006	\$3,000
369006	Exceeded 30-day Interim Mean Selenium. Limitation is 8.0 µg/L Reported as 9.0 µg/L	03/02/2006	\$3,000

Accrued Mandatory Minimum Penalties: \$12,000

**Total: \$12,000**

<sup>1</sup> California Integrated Water Quality System (CIWQS)

<sup>2</sup> This is a supporting violation

ATTACHMENT "B"



August 31, 2006

Robert Perdue  
CRWQCB  
Colorado River Basin  
73-720 Fred Waring Drive, Suite #100  
Palm Desert, Ca. 92260

Re: City of El Centro – Administrative Civil Liability Complaint No. R7-2006-0061, issued to City of El Centro, for the City of El Centro Wastewater Treatment Plant, for violation of Board Order No. R7-2004-0004

Dear Sir:

This letter is the response from the City of El Centro regarding the above-mentioned complaint. We thank Regional Board staff, Mr. Doug Wylie, for taking the time to meet and explain the various options available to the City of El Centro.

The City of El Centro is proposing to continue a compliance project that is designed to prevent future non-compliance. The project is to continue performing pilot studies using ferric chloride and ferric sulfide to maintain compliance. Continuing the project will permit the City of El Centro to maintain compliance while permitting the continued evaluation of the most cost effective method of compliance. The Compliance Project Information Sheet is attached.

The City of El Centro requests approval of the compliance project as proposed. If approved, the City will waive the right to a hearing on this matter.

RECEIVED

SEP 01 2006

REGION 7

**Public Works Department**  
1275 Main Street, El Centro, CA 92243 (760) 337-4505 Fax (760) 337-3172

Street Maintenance Division 307 West Brighton Avenue El Centro, CA 92243  
Support Services Division 307 West Brighton Avenue El Centro, CA 92243  
Motor Equipment Division 307 West Brighton Avenue El Centro, CA 92243  
Underground Utilities Division 307 West Brighton Avenue El Centro, CA 92243  
Wastewater Treatment Division 2255 LaBrucherie El Centro, CA 92243  
Water Treatment Division 3010 S. Eighth Street El Centro, CA 92243

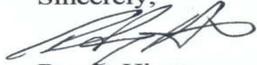
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

City of El Centro  
Municipal Wastewater Treatment Plant  
ACL Order No. R7-2005-0107

If you have any questions, please contact our office at (760) 337-4522.

Sincerely,



Randy Hines  
WWTP Supervisor

Cc: Ruben Duran, City Manager  
Terry Hagen, Public Works Director/City Engineer  
Doug Wylie, Regional Board

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

City of El Centro  
Municipal Wastewater Treatment Plant  
ACL Order No. R7-2005-0107

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION (R-7)  
COMPLIANCE PROJECT INFORMATION SHEET**

The following information is provided for the Compliance project described below.

ACL No.: R7-2006-0061                      ACL Amount: \$ 12,000  
Name of Discharger Under Permit City of El Centro  
Contact Person: Randy Hines  
Phone (760 ) 337-4522                      E-Mail rhines@ecpw.org  
Name of Project: Ferric Chloride Pilot Project

Project Description: (If necessary, attach additional sheets for project description)  
Purchase and inject Ferric Chloride and Ferric Sulfide to maintain compliance

**GENERAL CONDITIONS FOR COMPLIANCE PROJECT** (Please answer the following questions by circling your response)

1. Is the compliance project designed to bring the permit back into compliance in a timely manner and/or prevent future noncompliance.      YES      NO
2. Is the compliance project otherwise obligated to perform independent of the Administrative Civil Liability itself.      YES      NO
3. The compliance project information sheet has clearly identified project goals, costs, milestones and completion dates.      YES      NO
4. If the project is longer than one year, annual reporting requirements will be provided to the Regional Board.      YES      NO

**If project is less than one year please provide the estimated project start date and completion date:**

Estimated Project Start Date: September 2006 Estimated Project Completion Date: April 2009

**If project is greater than one year please provide the following:**

**PROJECT GOALS, COSTS, MILESTONES AND COMPLETION DATES**

If project is longer than one year please provide the information in Item No. 3 of the General Conditions for Compliance Project: (If necessary, attach additional sheets)

Items to be identified include the following

1. Action or Task to be Completed	Start Date	End Date
2. Milestone report due at end of year one	Date Due	Cost (Portion of ACL associated with milestone)
Total Estimated Project Cost (including funds from other sources): \$ <u>144,000</u>		\$48,000/yr For 3 years

**SIGNATURE:**                       **Date:** \_\_\_\_\_

**Name:** Randy Hines                      **Position:** WWTP Supervisor

(Upon completion of the project, please submit a final report of the project, which includes a certification that this project is complete; provide copies of receipts, invoices, etc. to substantiate the expenses that the proposed administrative penalties have been spent.)

